

member's service retirement annuity and service retirement contributions to the same extent as the member.

SECTION 2. Chapter 601, Government Code, is amended by adding Section 601.011 to read as follows:

Sec. 601.011. VACANCY ON FINAL FELONY CONVICTION OF MEMBER OF LEGISLATURE, GOVERNOR, OR STATE ELECTED OFFICIAL. A member of the legislature, the governor, or a state elected official convicted of a felony vacates the member's, governor's, or official's office on the date the conviction becomes final.

SECTION 3. Article 42.01, Code of Criminal Procedure, is amended by adding Section 12 to read as follows:

Sec. 12. In addition to the information described by Section 1, the judgment should reflect affirmative findings entered pursuant to Article 42.0196.

SECTION 4. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0196 to read as follows:

Art. 42.0196. FINDING REGARDING OFFENSE RELATED TO PERFORMANCE OF PUBLIC SERVICE. (a) In the trial of an offense described by Section 810.002, Government Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the defendant is:

- (1) a member of the elected class described by Section 810.002(b)(1), Government Code, while a member of the Employees Retirement System of Texas; or*
- (2) a holder of an elected office for which the defendant wholly or partly became eligible for membership in a public retirement system.*

(b) A judge who makes the affirmative finding described by this article shall make the determination and provide the notice required by Section 810.002(k), Government Code.

SECTION 5. Section 810.002, Government Code, as added by this Act, applies only to a member of a public retirement system who holds or has held elected office and, on or after the effective date of this Act, commits an offense that is a qualifying felony as defined by that section. A person who commits a qualifying felony before the effective date of this Act is subject to the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed the Senate on February 8, 2017: Yeas 30, Nays 0; the Senate concurred in House amendments on May 22, 2017: Yeas 31, Nays 0; passed the House, with amendments, on May 15, 2017: Yeas 141, Nays 0, one present not voting.

Approved June 6, 2017.

Effective June 6, 2017.

**ELIGIBILITY OF CERTAIN PROPERTY FOR CERTAIN AD
VALOREM TAX INCENTIVES WIND-POWERED ENERGY
DEVICES**

CHAPTER 444

S.B. No. 277

AN ACT

relating to the eligibility of certain property for certain ad valorem tax incentives relating to wind-powered energy devices.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. (a) The legislature finds that:

(1) the Texas Military Preparedness Commission has found that military installations located in this state generate \$136 billion in economic activity each year and directly or indirectly contribute to the existence of almost 900,000 jobs;

(2) military aviation facilities in this state are of vital importance to the security of this state and the nation and are an integral part of this state's economy;

(3) the area surrounding a military aviation facility is sensitive to security concerns and requires special attention by this state;

(4) wind-powered energy devices and wind energy are important components of this state's production of electricity; and

(5) the United States Department of Defense uses the base realignment and closure process to reorganize the department's base structure and has used the process to close more than 350 military bases since 1988.

(b) This Act is for the purposes of:

(1) promoting the public health, safety, and general welfare of this state;

(2) protecting and preserving military aviation facilities, the areas surrounding those facilities, and the aviation operations or training conducted at those facilities from any unintended consequences occurring as a result of the installation or construction of wind-powered energy devices on property located in close proximity to the boundaries of those facilities;

(3) encouraging the development of wind farms and the installation or construction of wind-powered energy devices in this state under reasonable state regulations that recognize the importance of wind energy and take into account the need to support and protect military aviation facilities located in this state from the United States Department of Defense's base realignment and closure process;

(4) ensuring that an owner of property on which wind-powered energy devices were constructed, or were under construction, before September 1, 2017, and that is located in close proximity to the boundaries of a military aviation facility continues to be eligible to receive tax benefits under Chapter 312 or 313, Tax Code; and

(5) allowing an owner of property located in close proximity to the boundaries of a military aviation facility to continue to allow the installation or construction of wind-powered energy devices on that property in the event the owner elects not to seek tax benefits for that property under Chapter 312 or 313, Tax Code.

(c) This Act may not be construed as limiting the ability of a person to receive a tax benefit under Chapter 312 or 313, Tax Code, for property that the person owns and on which a wind-powered energy device is installed or constructed other than under the conditions relating to the proximity of that property to a military aviation facility as expressly provided by this Act.

SECTION 2. Subchapter A, Chapter 312, Tax Code, is amended by adding Section 312.0021 to read as follows:

Sec. 312.0021. PROHIBITION ON ABATEMENT OF TAXES ON CERTAIN PROPERTY NEAR MILITARY AVIATION FACILITY. (a) *In this section:*

(1) "Military aviation facility" means a base, station, fort, or camp at which fixed-wing aviation operations or training is conducted by the United States Air Force, the United States Air Force Reserve, the United States Army, the United States Army Reserve, the United States Navy, the United States Navy Reserve, the United States Marine Corps, the United States Marine Corps Reserve, the United States Coast Guard, the United States Coast Guard Reserve, or the Texas National Guard.

(2) "Wind-powered energy device" has the meaning assigned by Section 11.27.

(b) Notwithstanding any other provision of this chapter, an owner or lessee of a parcel of real property that is located wholly or partly in a reinvestment zone may not receive an exemption from taxation of any portion of the value of the parcel of real property or of tangible personal property located on the parcel of real property under a tax abatement agreement under this chapter that is entered into on or after September 1, 2017, if, on or after that date, a wind-powered energy device is installed or constructed on the same parcel of real property at a location that is within 25 nautical miles of the boundaries of a military aviation facility located in this state. The prohibition provided by this section applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone.

(c) The prohibition provided by this section does not apply if the wind-powered energy device is installed or constructed as part of an expansion or repowering of an existing project.

SECTION 3. Section 313.024, Tax Code, is amended by adding Subsection (b–1) to read as follows:

(b–1) Notwithstanding any other provision of this subchapter, an owner of a parcel of land that is located wholly or partly in a reinvestment zone, a new building constructed on the parcel of land, a new improvement erected or affixed on the parcel of land, or tangible personal property placed in service in the building or improvement or on the parcel of land may not receive a limitation on appraised value under this subchapter for the parcel of land, building, improvement, or tangible personal property under an agreement under this subchapter that is entered into on or after September 1, 2017, if, on or after that date, a wind-powered energy device is installed or constructed on the same parcel of land at a location that is within 25 nautical miles of the boundaries of a military aviation facility located in this state. The prohibition provided by this subsection applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone.

SECTION 4. Section 313.024(e), Tax Code, is amended by adding Subdivisions (8) and (9) to read as follows:

(8) "Military aviation facility" has the meaning assigned by Section 312.0021.

(9) "Wind-powered energy device" has the meaning assigned by Section 11.27.

SECTION 5. Notwithstanding Sections 312.0021 and 313.024(b–1), Tax Code, as added by this Act, the change in law made by this Act does not apply to a tax abatement agreement under Chapter 312, Tax Code, or an application for a limitation on appraised value under Chapter 313, Tax Code, the approval of which is pending on the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2017.

Passed the Senate on April 19, 2017: Yeas 22, Nays 9; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 19, Nays 11; passed the House, with amendments, on May 23, 2017: Yeas 134, Nays 10, two present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 28, 2017, House adopted Conference Committee Report by the following vote: Yeas 97, Nays 47, one present not voting.

Approved June 8, 2017.

Effective September 1, 2017.